



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

FEB 10 2016

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Mr. Tom Van Tassel
Hatchery Manager
Magic Springs Hatchery
3069 Magic Springs Road
Hagerman, Idaho 83332

Re: Magic Spring Hatchery
NPDES Permit Number IDG130009

Dear Mr. Van Tassel:

On behalf of the U.S. Environmental Protection Agency (EPA), I would like to express my appreciation for your time and cooperation during the May 20, 2015 Clean Water Act (CWA) inspection of Magic Springs Hatchery (Facility) by the Idaho Department of Environmental Quality (IDEQ) on behalf of EPA. The purpose of the inspection and subsequent EPA administrative file review was to determine the Facility's compliance with the requirements of the Clean Water Act (CWA) and the National Pollutant Discharge Elimination System (NPDES) general permit for *Aquaculture Facilities in Idaho, subject to Wasteload Allocations under Selected Total Maximum Daily Loads*. The purpose of this letter is to notify you of the results of the IDEQ inspection and EPA administrative file review.

REVIEW OF ADMINISTRATIVE FILES

1. EPA reviewed the Discharge Monitoring Reports (DMRs) from February 2011 to February 2016 and found zero effluent limitation exceedances which would constitute violations of the CWA, 33 U.S.C. § 1251 *et seq.*
2. Part II.E.1 of the Permit states that all permittees with off-line settling basins that discharge directly to receiving water must conduct receiving water monitoring quarterly for ammonia, pH, and temperature upstream from the outfall.
Part II.E. 2 of the Permit states that all facilities that use chelated copper compounds or copper sulfate must monitor total recoverable copper and hardness immediately upstream of the outfall at least once in any quarter when these compounds are applied.

During EPA review of DMR data from February 2011 to February 2016, it was found that the receiving water monitoring report was late once. The September 2012 receiving water

report was due by October 20, 2012 but was not received by EPA until November 23, 2012. This is a violation of Parts II.E.1 and II.E.2 of the Permit.

3. Part IV.D of the Permit states the permittee must prepare and submit an annual report of operations by January 20 of each year to EPA and IDEQ.

During EPA review of DMR data from February 2011 to February 2016, it was found that the Facility submitted the 2012 Annual Report late. The report was due by January 20, 2013 but was not received until February 19, 2013. This is a violation of Part IV.D of the Permit.

4. Part V.B of the Permit states that the permittee must summarize monitoring results, including influent, effluent, and net results, each month on the DMR and sign and certify all DMRs.

During EPA review of DMR data from February 2011 to February 2016, it was found that the City had failed to submit a complete DMR on one occasion. The February 2015 DMR was missing the monthly loading data for phosphorus. This is a violation of Part V.B of the Permit

5. On December 21, 2015, the NPDES Electronic Reporting Rule became effective. Permittees with a DMR requirement will have one year from this date to submit DMRs through NetDMR. Additional information is enclosed (Enclosure A).

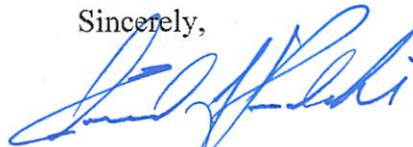
MAY 2015 INSPECTION

At the time of the inspection, the inspector did not note any areas of concern or violations on site.

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to take appropriate measures to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

I have enclosed a copy of the inspection report (Enclosure B). If you have any questions concerning this matter, please do not hesitate to contact Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward J. Kowalski
Director

Enclosures

cc: Stephen Berry
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